

UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF CALIFORNIA

FELIPE POLANCO DIAZ,

No. 2:21-cv-00916-KJM-KJM P

Plaintiff,

ORDER

v.

MARIA TORCEDO,

Defendant.

Plaintiff, a state prisoner proceeding pro se, filed this civil rights action seeking relief under 42 U.S.C. § 1983. The matter was referred to a United States Magistrate Judge as provided by 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On May 18, 2023, the magistrate judge filed findings and recommendations, which were served on all parties and which contained notice to all parties that any objections to the findings and recommendations were to be filed within fourteen days. Neither party filed objections to the findings and recommendations.

The court presumes that any findings of fact are correct. *See Orand v. United States*, 602 F.2d 207, 208 (9th Cir. 1979). The magistrate judge's conclusions of law are reviewed de novo. *See Robbins v. Carey*, 481 F.3d 1143, 1147 (9th Cir. 2007) ("[D]eterminations of law by the magistrate judge are reviewed de novo by both the district court and [the appellate] court

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1”). Having reviewed the file, the court finds the findings and recommendations to be
2 supported by the record and by the proper analysis.

3 Accordingly, IT IS HEREBY ORDERED:

4 1. The findings and recommendations filed May 18, 2023, are adopted in full; and
5 2. Plaintiff’s putative access to the court claim against defendant Torcedo is dismissed
6 without prejudice.¹

7 DATED: July 24, 2023.

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10 CHIEF UNITED STATES DISTRICT JUDGE
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28 ¹ This action proceeds on plaintiff’s retaliation claim against defendant Torcedo. (ECF No. 25.)